



CPMS 2.0 DATA PROTECTION



ERN-RND – LEGAL BASIS AND „JOINT CONTROLLERSHIP“

- For all ERN activities a **joint controllership** was put in place in the legal base of the ERNs. Joint controllers are the European Commission and every HCP (= ERN member hospital).
- Joint controllers have **different responsibilities**.
The allocation of responsibilities between the European Commission and each HCP is defined in the legal base of the ERNs (see Annex 1 of the [COMMISSION IMPLEMENTING DECISION \(EU\) 2019/1269](#), of 26 July 2019, amending Implementing Decision 2014/287/EU).
- **Summary:** the **European Commission** is responsible for all the **processing** happening **inside** the **IT platform** (= CPMS 2.0) and **each HCP** (= ERN member hospital) is responsible for all the processing happening **outside** the **IT platform**!
- The **European Commission** has ensured that **data processing inside** the **IT-platform** is **GDPR-compliant** and **safe**. A Data Protection Impact Assessment (**DPIA**) for the IT-platform **CPMS 2.0** has been conducted.
- The European Commission provides more information here (requires CPMS access):
[Supporting Documents - CPMS 2.0](#)

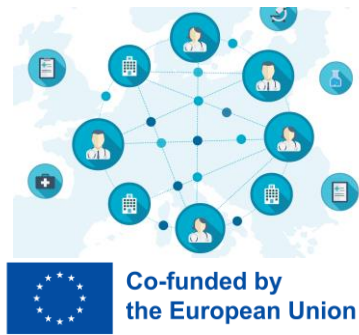


LOCAL/NATIONAL RESPONSIBILITIES

- The **HCP`s (= member hospital) clinicians**, not the ERN or European Commission, are responsible for the compliance of their own activities with **all applicable rules, laws or regulations** of their **home institution and country**.

This includes protecting their **patient's data** according to the EU's General Data Protection Regulation (**GDPR**) and their **specific local and national data protection regulations**.

- If **no local processes and permissions are in place** concerning CPMS 2.0 usage, it is the **HCP's responsibility** to define/obtain them. This includes how to **obtain the patient's consent**, and to **assess the need** for a local Data Privacy Impact Assessment (**DPIA**) for data **processing outside the IT platform**.
- ERN-RND helpdesk is **not responsible** for local tasks, but **may support** them, e.g. provide the **CPMS 2.0 Privacy Statement**, the IT-platform's **DPIA outcomes** and **consent form templates**.
- **Suggestion:** refer to the **hospital's ERN representatives** to learn if these tasks have been conducted and what protocol to follow, and to the **hospital's Data protection officer** for support if not conducted yet.



OBTAINING PATIENT CONSENT

- **Obtaining appropriate consent** for data transfer / discussion via CPMS from a patient is a requirement according to the EU's General Data Protection Regulation (**GDPR**).
- Each HCP (= member hospital) must define for themselves **how to obtain patient's informed consent** for a CPMS 2.0 consultation, in accordance with all applicable rules, laws or regulations of their home institution and country.
- ERN-RND CPMS helpdesk can provide you with a **GDPR-compliant consent form template** (translated in the 24 official EU languages) which however **requires local completion** (as is the GDPR requirement) and **alignment/approval** according to **local procedures!**
- ERN-RND CPMS Helpdesk is **not informed** about **local procedures** and **local consent forms** for CPMS 2.0. We suggest to **contact your local ERN-RND representative** and/or **Data Protection officer** if in doubt!

